



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/350,315	07/09/99	ZILLIACUS	11784.101US0

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QM32/0323

EXAMINER	
HOTALING, J	
ART UNIT	PAPER NUMBER

3713

DATE MAILED: 03/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/350,315

Applicant(s)

ZILLIACUS ET AL.

Examiner

John M Hotaling II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

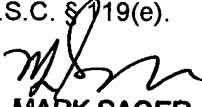
**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

  
**MARK SAGER**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagen et al US Patent 5,618,045 in view of Eiba US Patent 6,117,013.

Kagen discloses all of the structure of the interactive multiple player game system with two or more players each playing on a playing device in wireless communication with other playing devices (1:36-40). There is also provided according to the teachings of Kagen a method for playing a interactive multiplayer game comprising the steps of: Establishing a wireless all-to-all broadcast network between at least two playing devices, providing a game scenario common to all of the devices, enabling a player action be each player within the game scenario, transmitting player actions over the network, receiving player actions over the network, and displaying the game scenario 2:37-47. Kagen lacks in disclosing using various networks and various phone technology. Instead Kagen discloses the use of wireless communication and an local area network. In an analogous game machine Eiba discloses the use of a game system that can be used by a number of players with various playing devices at a distance from each other (abstract). Column 1:14-17 disclose that a central computer can also be connected to the data telecommunication system in order to evaluate the

game results of all the game devices. 2:15-20 disclose that the invention is based on the object of providing a game device system with a plurality of game devices arranged remote from one another, wherein the game devices and thus the system as a whole are of substantially simpler construction and which nevertheless facilitates supra-regional participation in the game events. 2:62-65 discloses that in the preferred arrangement an already existing electronic device can serve to display the determined winning symbol combination, for example a personal computer, a laptop, a car telephone or a portable telephone. Column 4 lines 11-31 discloses that multiple pieces of already existing equipment can be used as a game machine. As a requirement for suitability as a game machine there is needed only a device for data telecommunications and a display or screen for reception of the determined winning symbol. In addition the data telecommunications link can be wired in particular over the telephone network, or can be wireless in the case of mobile telephones. One of ordinary skill in the art would be able to see that the claimed networks are analogous in nature and as such any one of the methods of communication perform an analogous function. In addition, It would be an obvious matter of choice well within the capabilities of one skilled in programming mobile phones to pause a game, terminate a game or give the option to do either upon receipt of a phone call. The motivation to combine the references is contained in 1:35-40 of Kagen where there remains a need for an interactive multiple player game system designed to be played by two or more player each playing on a playing device in wireless communication with other playing devices and Eiba 3:56-60 the better utilization of existing communication devices.

***Citation of Pertinent Prior Art***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

James et al '660 discloses a network multiplayer game

Edwards et al '520 discloses an interchangeable data storage system

Soltesz et al '069 discloses a wide area network gaming system

LaDue '808 discloses a wireless gaming method

Pieterse et al '064 discloses playing games on a network

Penzias '133 discloses remotely playing card games

Vange et al '898 discloses multiplayer game over a communications link

Berman et al '115 discloses interactive communication with a game show

Berner et al '913 discloses a game of skill playable by remote participants

Fabian FR 2775550 discloses games played on a mobile telephone

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703

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308-7768 for regular communications and 703 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

John M. Hotaling II  
March 21, 2001

A large, stylized handwritten signature in black ink, likely belonging to John M. Hotaling II, consisting of several overlapping loops and sharp angles.A handwritten signature in black ink, likely belonging to Mark Sager, written in a cursive style.

MARK SAGER  
PRIMARY EXAMINER